

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' MOTION TO CERTIFY CLAIMS
WITH RESPECT TO TRACK 2 DEFENDANTS**

Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3), plaintiffs move for an order certifying the claims against the Track 2 Defendants.

The plaintiffs submit a proposed order that mirrors the Court's January 30, 2006 Order regarding plaintiffs' motion to certify the claims involving the Track 1 Defendants.

This motion is supported by Plaintiffs' Memorandum of Law in Support of Motion to Certify Claims With Respect to Track 2 Defendants, the Declaration of Donald E. Haviland, Jr., Esquire, in Support of Plaintiffs' Motion to Certify Claims With Respect to Track 2 Defendants (detailing the payments made by the Class 1 representatives), the Affidavit of Glenn Randle, a member of the Board of Trustees of the Sheet Metal Workers National Health Fund (a Class 2 representative) and the Declaration of Charles Hannaford on behalf of Pipefitters Local 537 Trust Fund (Class 3 representative).

DATED: May 8, 2006.

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Steve W. Berman, hereby certify that I am one of plaintiffs' attorneys and that, on May 8, 2006, I caused copies of **PLAINTIFFS' MOTION TO CERTIFY CLAIMS WITH RESPECT TO TRACK 2 DEFENDANTS** to be served on all counsel of record by causing same to be posted electronically via Lexis-Nexis File & Serve.

/s/ Steve W. Berman

Steve W. Berman